

ORIGINAL



0000045998

25

RECEIVED

BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

DOCKETED

2001 JUN -5 P 1:37

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

JUN 05 2001

DOCKETED BY 

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF THE JOINT APPLICATION
OF SUN CITY WATER COMPANY AND SUN
CITY WEST UTILITIES COMPANY FOR
APPROVAL OF CENTRAL ARIZONA PROJECT
WATER UTILIZATION PLAN AND FOR AN
ACCOUNTING ORDER AUTHORIZING A
GROUNDWATER SAVINGS FEE AND
RECOVERY OF DEFERRED CENTRAL
ARIZONA PROJECT EXPENSES.

DOCKET NO. W-01656A-98-0577
DOCKET NO. ~~SW~~-02334A-98-0577
WS

PROCEDURAL ORDER

BY THE COMMISSION:

In Decision No. 62293 (February 1, 2000), the Arizona Corporation Commission ("Commission") approved the concept of the Groundwater Savings Project as a means for Sun City Water Company and Sun City West Utility Company (collectively "Applicants") to utilize their CAP water allocations. In Decision No. 62293, the Commission required the Applicants to file a preliminary engineering report that was to address the feasibility of a joint facility with the Agua Fria Division, the need for all major elements of the project and binding commitments from the golf courses. On August 1, 2000, the Applicants filed their Preliminary Engineering Report. On December 18, 2000, Applicants filed a Supplemental Engineering Report and Binding Agreements with the golf courses.

On January 10, 2001, the Sun City Taxpayers Association ("SCTA") filed a Request for Hearing, arguing that a hearing is necessary to resolve issues raised in the Preliminary Engineering Report. On January 18, 2001, the Applicants filed a Response to the Request for Hearing, opposing the claim a hearing was required.

At a Special Open Meeting on May 11, 2001, the Commission ordered the Hearing Division to schedule an evidentiary hearing to resolve issues concerning the Applicants' Preliminary Engineering Report and Supplemental Report. A pre-hearing conference was held on May 22, 2001, to discuss and establish a procedural schedule for the hearing. Consequently, the matter should be

1 set for hearing.

2 IT IS THEREFORE ORDERED that a hearing in this matter to determine whether the
3 Applicants' Preliminary Engineering Report complies with Decision No. 62293, shall commence on
4 August 15, 2001, at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices at
5 1200 West Washington, Phoenix, Arizona.

6 IT IS FURTHER ORDERED that a pre-hearing conference for the purpose of scheduling
7 witnesses shall be held on August 13, 2001, at 1:30 p.m., at the Commission's Offices at 1200 West
8 Washington.

9 IT IS FURTHER ORDERED that the SCTA, and any other party who has issues with or
10 opposes the approval of the Preliminary Engineering Report (collectively "Opponents"), shall reduce
11 their issues/comments to writing and file direct testimony and any exhibits to be used at hearing no
12 later than July 10, 2001, at 4:00 p.m.

13 IT IS FURTHER ORDERED that Applicants, Staff and other parties shall file responsive
14 testimony no later than July 31, 2001 at 4:00 p.m.

15 IT IS FURTHER ORDERED that Opponents shall file any rebuttal testimony and exhibits no
16 later than August 8, 2001 at 4:00 p.m.

17 IT IS FURTHER ORDERED that any objections to any testimony or exhibits which have
18 been pre-filed as of August 8, 2001, shall be made on or before the August 13, 2001 pre-hearing
19 conference.

20 IT IS FURTHER ORDERED that all testimony filed shall include a table of contents which
21 lists the issues discussed.

22 IT IS FURTHER ORDERED that any substantive corrections, revisions, or supplements to
23 pre-filed testimony shall be reduced to writing and filed no later than five days before the witness is
24 scheduled to testify.

25 IT IS FURTHER ORDERED that the parties shall prepare a brief, written summary of the
26 pre-filed testimony of each of their witnesses and shall file each summary at least two working days
27 before the witness is scheduled to testify.

1 IT IS FURTHER ORDERED that copies of summaries should be served upon the Presiding
2 Officer, the Commissioners, and the Commissioners' aides as well as the parties of record.

3 IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
4 regulations of the Commission, except that any objection to discovery requests shall be made within
5 7 days¹ of receipt and responses to discovery requests shall be made within 10 days of receipt.

6 IT IS FURTHER ORDERED that, in the alternative to filing a written motion to compel
7 discovery, any party seeking discovery may telephonically contact the Commission's Hearing
8 Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such a
9 request, a procedural hearing will be convened as soon as practicable; and that the party making such
10 a request shall forthwith contact all other parties to advise them of the hearing date and shall at the
11 hearing provide a statement confirming that the other parties were contacted²

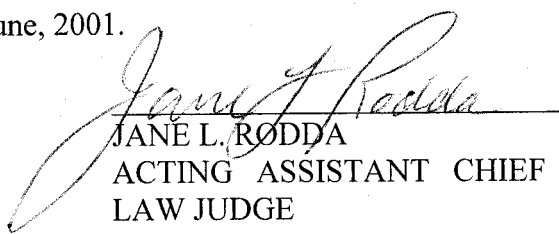
12 IT IS FURTHER ORDERED that any motions which are filed in this matter and which are
13 not ruled upon by the Commission within 10 days of the filing date of the motion shall be deemed
14 denied.

15 IT IS FURTHER ORDERED that any responses to motions shall be filed within five days of
16 the filing date of the motion.

17 IT IS FURTHER ORDERED that any replies shall be filed within five days of the filing date
18 of the response.

19 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend or
20 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
21 arbitration.

22
23 DATED this 5th day of June, 2001.

24 
25 JANE L. RODDA
26 ACTING ASSISTANT CHIEF ADMINISTRATIVE
LAW JUDGE

27 ¹ "Days" means calendar days.

28 ² The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 Copies of the foregoing mailed
this 5th day of June, 2001 to:

2 Michael Grant
3 Gallagher & Kennedy, PA
2527 East Camelback Road
4 Phoenix, Arizona 85016-9225
Attorneys for Citizens Communications Company

5 William Sullivan
6 Martinez & Curtis, P.C.
2712 North Seventh Street
7 Phoenix, Arizona 85006-1090
Attorneys for Sun City Taxpayers Association

8 Scott Wakefield
9 RUCO
2828 North Central Avenue
10 Suite 1200
Phoenix, Arizona 85004

11 Barbara Goldberg
12 Steptoe & Johnson, LLP
Two Renaissance Square
13 40 North Central Ave., 24th Fl.
Phoenix, Arizona 85004-4453

14 Walter W. Meek, President
15 Arizona Utility Investors Association
2100 North Central avenue
16 Suite 210
Phoenix, Arizona 85004

17 William G. Beyer
18 5632 W. Alameda Road
Glendale, Arizona 85310
19 Attorney for Recreation Centers of Sun City
And Recreation Centers of Sun City West

20 Ray Jones
21 General Manager
Sun City Water Company
22 P.O. Box 1687
Sun City, Arizona 85372

23 Christopher Kempley, Chief Counsel
24 Janet Wagner, Staff Counsel
LEGAL DIVISION
25 Arizona Corporation Commission
1200 W. Washington Street
26 Phoenix, Arizona 85007

27 ...

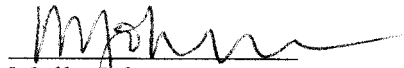
...

28 ...

1 Deborah Scott, Director
2 Utilities Division
3 Arizona Corporation Commission
4 1200 W. Washington Street
5 Phoenix, Arizona 85007

6 Arizona Reporting Service
7 2627 N. Third Street, Suite Three
8 Phoenix, Arizona 85004-1103

9 By:



10 Molly Johnson
11 Secretary to Jane Rodda
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28